

REMARKS

In the office action mailed November 28, 2003, the Examiner rejected all pending claims. More specifically, claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Additionally, claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent no. 5,788,326 to Kawade *et al.* The Examiner also objected to the drawings, alleging they fail to show all features of the claims.

The Applicants submit herewith a new figure, FIG. 3, and respectfully request the figure be appended to the figures currently in the application. No new matter is submitted with the entry of FIG. 3. The specification and claims as originally filed describe and disclose all the subject matter that is shown in FIG. 3, but not shown in the earlier submitted FIGS. 1 and 2. Specifically, FIG. 3 depicts a second armrest 137 on the rear side of the middle front seat 130. Paragraphs 15 and 16 and claims 3 and 5, as originally filed in the application disclose and describe the second armrest. *See* Above-referenced Application, paragraphs [0015] and [0016], claims 3 and 5.

The Applicants submit herewith substitute paragraphs for amendment to the specification. The substitute paragraphs and amendments contained therein reference FIG. 3, submitted herewith. No new matter is included with the amendments to the specification.

The Applicants have amended claim 1 to include the subject matter of claims 2 and 3. Claims 2 and 3 have been canceled. New claim 7 has been added. No new matter has been added.

The Applicants have amended the claims to clarify that the seat cushion and the seat back are not installed *in* the passenger seat, but are *coupled with* the passenger seat. The Applicants believe this amendment clarifies the confusion with respect to the claim language.

The Examiner stated that for clarity, the term 'assistant' should be replaced with the term 'passenger.' *See* Office Action mailed November 28, 2003, pg. 2. The Applicants disagree. The term 'assistant' is used to represent a front seat occupant that is sitting in a front seat that is not the drivers seat or the front middle seat. This distinction helps clarify the difference between the front seat riding occupants. Therefore, the Applicants believe that the separate use of the terms 'assistant' and 'passenger,' actually helps clarify the description and claimed subject matter. The Applicants have amended the claims for consistent usage of the terms 'assistant' and 'passenger,' as described above, throughout the claims.

The rejection of these claims is respectfully traversed. The Examiner states Kawade discloses an armrest on the backside of a middle seat. *Id.* at 3. More specifically, the Examiner states that the “protruding portions on the back [of the middle seat]... may act as armrests for both a driver and a passenger.” *Id.* For support of this allegation, the Examiner cites the reader to figures 22 and 25 of Kawade. *Id.*

To the contrary, the protruding portions on the back of the middle seat depicted in figures 22 and 25 of Kawade are *not* armrests and *not* capable of functioning as armrests for the driver and passenger as alleged by the Examiner. In actuality, the protruding portions to which the Examiner is referencing are seatbelt harness straps for restraining a child that is ridding in the middle seat. *See* Kawade, FIGS. 22 and 25, col. 9, l. 63-col. 10, l. 4. It will be appreciated by one of ordinary skill in the art that a seat belt strap may *not* act as an armrest for a driver and/or a passenger. Seatbelt straps are thin nylon straps that would not support the arm of a passenger as an armrest. Each independent claim of the above-referred application includes the limitation that an armrest be positioned on the back side of the middle seat such that when the middle seat is in a folded position, an occupant ridding in the front seat can utilize the armrest for resting an arm thereon. This limitation is not found in the prior art cited by the Examiner, as established above. Therefore, the Applicants respectfully request the rejection of the claims be withdrawn and the claims allowed.

In view of the foregoing amendments and remarks, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections, he is respectfully asked to contact the undersigned at 415-442-1106 in order to expedite allowance of the case.

Respectfully submitted,

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